N E W S from

ALABAMA CHRISTIAN MOVEMENT
505 ½ No. 17th Street
B'ham, Ala.

FOR RELEASE 12:00 Noon, April 11, 1963

STATEMENT BY M.L. KING, JR., F. L. SHUTTLESWORTH, RALPH D. ABERNATHY, et al.

FOR ENGAGING IN PEACEFUL DESEGREGATION DEMONSTRATIONS.

In our struggle for freedom we have anchored our faith and hope in the rightness of the Constitution and the moral laws of the universe.

Again and again the Federal judiciary has made it clear that the priviledges guaranteed under the First and the Fourteenth Amendments are to sacred to be trampled upon by the machinery of state government and police power. In the past we have abided by Federal injunctions out of respect for the forthright and consistent leadership that the Federal judiciary has given in establishing the principle of integration as the law of the land.

However we are now confronted with recalcitrant forces in the Deep South that will use the courts to perpetuate the unjust and illegal system of racial separation.

Alabama has made clear its determination to defy the law of the land. Most of its public officials, its legislative body and many of its law enforcement agents have openly defied the desegregation decision of the Supreme Court. We would feel morally and legal responsible to obey the injunction if the courts of Alabama applied equal justice to all of its citizens. This would be

MORE MORE

sameness made legal. However the issuance of this injunction is a blatant of difference made legal.

Southern law enforcement agencies have demonstrated now and again that they will utilize the force of law to misuse the judical process.

This is raw tyranny under the guise of maintaining law and order. We cannot in all good conscience obey such an injunction which is an unjust, undemocratic and unconstitutional misuse of the legal process.

We do this not our of any desrespect for the law but out of the highest respect for the law. This is not an attempt to evade or defy the law or engage in chaotic anarchy. Just as in all good conscience we cannot obey unjust laws, neither can we respect the unjust use of the courts.

We believe in a system of law based on justice and morality. Out of our great love for the Constitution of the U. S. and our desire to purify the judicial system of the state of Alabama, we risk this critical move with an awareness of the possibl consquences involved.

FOR FURTHER INFORMATION - Phone 324-5944
wyatt tee walker
Public Information Officer

WHITE, BRADLEY, ARANT, ALL & ROSE
2100 COMER BUILDING
BIRMINGHAM 3, ALABAMA

Low Rhodes
For info.
Appreciate...
Sal

January 19, 1963

The Honorable Robert F. Kennedy
Attorney General
Department of Justice
Washington 25, D. C.

Dear Sir:

Mr. Burke Marshall informed me this morning of your decision to cancel your proposed visit to Birmingham, at least at this time. Your consideration for the delicate nature of our local situation is indeed appreciated.

The racial problem in the South has long been a matter of deep concern to me. I was Justice Black's law clerk the year of the school decision. I have been an active advisor to the Alabama Council on Human Relations. I was county organization chairman for the Democrats during the Presidential campaign. I am chairman of the Jefferson County Democratic Campaign Committee. I was a principal organizer of the Birmingham Citizens for Progress which overturned, by a narrow vote, the existing city government of Birmingham. I have faith in ability of my state to solve its own problems in the long run.

Racial hysteria is the prime political tool of reactionary conservatism. Substitution of issues is most difficult, but we are slowly making progress in this area. The impacted area school cases will make things very difficult for some time. I prayed that they could have been postponed long enough to permit at least a short time for consolidation.

The South is basicly progressive. Its needs make any other course impossible over the long run. Anything that will stir the natural trends to the surface and not fortify the racial hyteria with its deep historical base is a forward-reaching decision in the long view.

Anytime I can help you, Mr. Marshall, or the Administration in these areas please call on me.

Yours truly,

David J. Vann

Copy-Mr.Marshall

THE "REAL" ISSUE IN THE 1962 GOVERNOR'S RACE

Subject assigned by your Chairman, Miss Miglionico. I take it by the term "real" (in quotes) she means any issue of paramount importance which has not been candidly faced by the candidates or presented to the electorate in all of its implications. There is one overriding issue.

The next governor will fall heir to it. How it is resolved will have tremendous impact on the state in the years ahead.

This issue cries out for full and free debate but for the most part it has been denied, rationalized away, or put to rest by escapes and strategies that are mere fake solutions to the problem.

I am, of course, talking about the CRISIS IN OUR SCHOOLS.

The facts are:

The Supreme Court's 1954 decision (Brown v. Board of Education) outlawing segregation in public schools held that:

(1) The 14th Amendment of the U. S. Constitution (Equal Protection Clause) should be read as saying that the Negro race, as such, is not to be disadvantaged by the laws of the States, and

(2) Segregation in public schools disadvantages the Negro race, as such, by state law.

This much is certain: if the decision was erroneously decided then it ought to be overruled - by the Supreme Court itself - or by the cumbersome process of constitutional amendment. One can go further: if dominant opinion in the United States should ever form and settle on the proposition that the decision was wrongly decided, then the decision will be overturned one way or the other. Massive errors in law - particularly when they regulate human relationships - have not, historically, been characterized by durability. Yet, after 8 years there is no effective movement afoot to sink the Brown decision.

Perceptive and influential commentators - both inside and outside the South - affirm that the decision of the Supreme Court in Brown reflects the moral judgment of the nation. This viewpoint cannot be ignored. The Chief Executive as well as the legislative departments of our Federal Government (we must remember that these are the elected representatives of the entire United States) have consistently, also, shown a determined resolve to uphold the law declared by the judiciary, a desire refrained from taking any action designed to implement anti law. The possibility of a change in this constitutional interpretation must therefore be ruled out.

It is not amiss to point out that we do not, and cannot in the nature of things live in a world of absolute private rights - partly because private rights themselves may conflict with each other and thus necessitate choices of

accommodation - and partly because public interests often overshadow private interests in specific situations.

If the 14th Amendment commands equality in education, and if segregation in the public schools violates equality, then the matter is settled. The question of the right of our children not to associate with Negroes in the class-room is concluded when the law of the land decrees that the Negro child has a right to be there. The law has so decreed. The decree is final.

Therefore, it is idle to:

(1) argue in principle the relative merits of segregation or desegregation, or

(2) discuss whether or not the 1954 decision in the Brown case was right or wrong;

(3) debate states rights vs. federal rights in this particular area.

I shall not do so in these remarks.

Now, where do we, the people of Alabama, fit into this picture? What should be our posture in the days ahead? In order to place the problem in its proper perspective let us look to the past for a moment.

Following the Brown decision the State of Alabama in common with all other Southern States was faced with cataclysmic change in racial patterns. The decision affected the entire

educational structure of the South in a fundamental way, and it necessitated remolding the school systems if public education was to continue. Absorption of the shock was a must. This is what happened in Alabama during 1955 and 1956:

First. The provisions of the Constitution requiring separate schools for Negroes and Whites were repealed - (they were obviously unconstitutional in terms of the Supreme Court's interpretation of the 14th Amendment)

Second. A pupil assignment or placement law was enacted.

This law was designed to reframe our public school structure in the light of the Supreme Court's decision with these ends in view:

(1) To eliminate the absolute requirement of segregation, already a dead letter under the Brown and subsequent decisions.

(2) To avoid any possibility of the opposite and more offensive compulsion of general racial integration in the public schools against the will of the majority of white people.

(3) To secure, so far as constitutionally possible, the freedom of choice of parents as to the type of schools their children should attend.

(4) To vest the entire authority and responsibility for the administration of public schools in the local boards who are familiar with local needs and conditions.

In line with these objectives the placement act contained the following essential provisions:

(1) Authority is vested in the School Boards to determine the continuance or the transfer or initial or subsequent placement of pupils in particular schools in a manner consistent with certain prescribed tests.

(2) Some 17 criteria are prescribed by the Alabama Placement Statute covering the fields of (a) education (scholastic, aptitude, intelligence, etc) (b) psychology, (c) sociology, (d) religion and ethics, (d) medicine, (e) law, and (f) culture - for qualifying for admission to another - meaning, of course, a "white" school.

(3) School Boards are empowered to close down a school on a finding "that the continued operation of such school will be accompanied by such tensions, friction or potential disorder or ill will within the school as substantially to impair the effective standards or objectives of education of its pupils, etc."

(4) The foregoing power is exercisable only after a hearing. The determination of the Board is insulated from review in the courts.

In Alabama, as elsewhere in the Southern States where similar statutes were put on the books, it was hoped that the placement law would prove to be a vehicle, equipped with shock absorbers, on which Southern schools could ride their way out of a critical situation.

It has not worked out that way. The Alabama placement act was subjected to an attack by certain Negro school children. While it was upheld by a three-judge Federal Court (162 F. Supp.372) and thereafter by the Supreme Court (Shuttlesworth v. B'ham Bd. of Education, 358 U. S. 101 - 1958) the opinion of these courts was limited to the narrow holding that the Act was not unconstitutional on its face.

Subsequently, a series of decisions has been handed down which invalidate the method or technique for desegregation provided by the typical pupil assignment statute. These cases hold that the adoption of a school placement law does not prevent a Negro student, acting either individually or as a member of a class, from seeking a declaratory judgment of their right to have an end to a local school policy of racially segregated schools.

The effect of these decisions is to eliminate the requirement of an assignment statute that each Negro applicant must first seek placement in a specific school and comply with the various criteria for admission. In these cases the courts have enjoined the maintenance of a bi-racial system and have ruled that the school board must take the initiative in formulating a general plan of progressive desegregation in a manner compatible with the Supreme Court's decision requiring the elimination of segregation in the public schools with "all deliberate speed."

Just a few days ago Judge Wright, of New Orleans agreed with 102 Negro petitioners who contended that the New Orleans school board had not complied with "all deliberate speed" in desegregating. The following is quoted from his opinion as reported by the New York Times:

"To assign children to a segregated school system and then require them to pass muster under a pupil placement law is discrimination to its rawest form.

"The school board here occupies an unenviable position. But, the plight of the board cannot affect the rights of school children whose skin color is no choice of their own.

"Judge Wright ruled that a Negro pupil might attend either the Negro school nearest him or the white school nearest him, as he chose, without tests that are not applied equally to all pupils.

"The same thing applies to a white pupil."

On the same day the Court of Appeals for the 6th Circuit ruled that the grade a year integration plan begun in Knoxville about 2 years ago is invalid - because not fast enough. Two weeks ago the same court had ruled, in effect, that Tennessee's assignment law was invalid. The court said:

"The Pupil Assignment Law might serve some purpose in the administration of a school system but it will not serve as a plan to convert a biracial system into a non-racial."

The court observed that since enactment of the assignment law in 1957 no Negro pupil had ever been transferred to a white school, or vice versa.

The same can be said of the Alabama - The Placement Law, on the books since 1956, has brought no change. A segregated school system exists today in Alabama just as it always did.

In view of the foregoing recital of the indisputable legal facts no responsible citizen of Alabama is warranted in assuming that the same type of court decrees which have been applied to the school systems in Tennessee, Louisiana and elsewhere will not be applied to our systems here in Alabama. We have no built-in immunity and sooner or later our number will be drawn out of the judicial hat and our name called. What will be our response?

Plainly, we are on the threshold of one of the most difficult periods of our history. In the situation confronting us the luxury of maintaining traditional patterns of thought and action pays a dangerously high price. I need only refer to Little Rock and New Orleans.

What is needed is leadership - sane, sober, courageous and intelligent. The man who will occupy the Governor's chair in Montgomery during the next 4 years is destined to play a

critical, if not decisive, role in this situation. Like Faubus of Arkansas or Davis of Louisiana he can adopt an attitude of resistance to law which denies the premise of our national existence or he can, without fake or apology, face up and deal constructively with the inevitability of some integration in our public schools.

Alternatives.

We cannot reverse a final decree of the U. S. Supreme Court; we cannot secede from the Union; we cannot overthrow the Federal government.

There is no legal legerdemain available by which our State Legislature can confer upon the Governor, any board, agency or person any power which it does not itself possess.

Three days ago a prominent candidate for a state-wide office (not governor) publicly expressed the opinion that the only sure prevention of any integration anywhere in Alabama is the total abolition of every public school everywhere in Alabama. He recommended to the Governor the prompt calling of a special session of the Legislature for the purpose of enacting a law providing for elections in each county on the issue of "closed schools vs. desegregated schools."

He coupled the recommendation with the suggestion that students of closed - school counties might receive

grants-in-aid from the state - presumably for the purpose of attending private schools. This won't work - if the law in Virginia holds up - as it probably will. Prince Edward County - the one with the closed schools - has been enjoined from distributing tax monies in the form of stipends to students so long as the public schools remain closed.

Solution of the dilemma confronting us by liquidating public education is nonsense. The consequences would be catastrophic - unimaginable. Here are some in outline form.

1. Loss of democratic freedom.

The concept of democracy which we cherish is the heart of our American philosophy of education. From the beginning it has been the public school which has nurtured this idea. How can this ideal possibly live on in a society that abolishes the principal institution established to preserve it? Every democratic nation in the world has a tax supported system of public schools.

2. Increase in unemployment.

Labor market would be flooded with unskilled and untrained young people seeking employment.

3. Increase in juvenile delinquency.

4. Damage to our economy.

There is a direct relationship between the level of education and economic well being of a community.

5. Damage to taxpayers.

Millions invested in school buildings.

6. Damage to teacher supply.

7. Loss to the individual.

8. Loss of future scientists, mathematicians and leaders.

Abandonment of public school system unconstitutional

The severe harm which abandonment of a public school system would visit upon those most directly affected - school children - as well as the community and state as a whole clearly indicate that any such solution to the problem would be completely abortive, or transitory at best.

It is inconceivable that any such regression from the concepts of Mid-20th Century America could pass muster under the U. S. Constitution. I express the opinion that the abandonment by a state of its public school system - whether or not executed through the device of a local option after a vote of the electorate of the county - would be to deprive children of rights guaranteed to them by the Due Process or Equal Protection Clauses of the 14th Amendment.

One case has so held. Hall v. St. Helena Parish School Board (1961) 197 F. Supp. 649. In striking down Louisiana's attempt to abandon its schools in St. Helena Parish the Court (CA-5) said:

"This is not the moment in history for a state to experiment with ignorance."

If we stop and think how could the result be otherwise? Educational opportunity is of fundamental importance today. The great economic and pecuniary importance of education to a child is known to everyone. In addition, the educational experience makes other basic contributions to the dignity of the individual and the resources of the nation - among them, the development of the mind and conscience, and a recognition of the responsibilities of citizenship. The deprivation of an education to a child in his formative years is an irreplaceable loss of all of these; a deprivation personal, immediate and permanent; irremediable stunting of the child's growth.

It is plain that the States are so deeply and unavoidably involved in the creation and preservation of an educational opportunity that they are today indispensable to the expectation of that opportunity which every child has. The indispensable role of local government in this process has been accepted and recognized by all the states since the very beginning of the Republic. For documentation of this point we need only review the observations of Washington, Adams, Jefferson and all of our other distinguished forbears who molded the concept of a free and open society of which we are now the beneficiaries.

Indeed, I believe it is fair to say that the need for state action in creating and preserving the opportunity for an education is as expected and as necessary now as the need for state action in affording to all persons the protection of the law itself - to property rights and to other personal rights - within the state.

It is clear, therefore, that the law must accept and implement the opportunity for an education as one of the basic and minimum rights which a state has a duty to provide its citizens.

It is my opinion, therefore, that the arbitrary denial of a public school education to the children of Alabama - an abandonment by the State, without a constitutionally valid purpose, of the whole or a part of its public school system, is invalid. In legal terms it constitutes an arbitrary deprivation by the State, without due process of law, of a constitutional right which the state is under a duty to preserve, protect and implement in some reasonable form for its people.

Duty of citizens who want to have schools kept open

A state or municipality can no more achieve a permanent solution to a problem by sweeping it under the rug, or pretending it doesn't exist, than an individual can.

What this issue needs is full, free and open debate in the highest traditions of the open society of which we are privileged members.

The hurling of epithets, charges and countercharges and recriminations is no longer appropriate. The time has arrived to take inventory, not of fantasy and wishful thinking, but of actual conditions and realities and the best methods of dealing with them for the welfare of Alabama.

Each of you is vitally concerned with this problem. As Lindsay Almond, Governor of Virginia, said following the defeat in the courts of his massive resistance plan:

> "We must not allow the welfare of our children and the future of our state to be victimized by the bitterness of disappointment, the pangs of frustration, the demon of hate, and threat of political purge, appeal to base passions and prejudices, and the stirring of emotions productive of violence and disorder."

This, then, is no time for a passive or spectator posture. As Governor Rockefeller said in a recent lecture at Harvard:

> ". . . I do criticize political aloffness - based merely on an overly fastidious distaste for partisanship itself. This I deeply deplore because it ignores the very nature of a democratic process that depends upon active, intelligent, aggressive partisanship for its very life. And it is reckless, because . . . the constructiveness of political debate and the rationality of political argument cannot be improved by persuading a free people to declare themselves, politically, a nation of conscientious objectors."

I submit that any citizen of this state, who feels that the views I have stated here today have any validity, is duty bound to speak out and make such views known. Professor Cohn - that well-known philosopher of justice in his recent book "The Predicament of Democratic Man" has this to say:

> ". . . The quality of a democratic citizen may display itself most admirably when his judgment opposes the majority and his honor requires him to contradict them to their face. Without the boon of outspoken dissent communities tend to become shabby and unfree - any mode of education that would reduce democratic men to the single attribute of associability - i.e. to acquiescence, conformity and collaboration - would demote them as free citizens. There are occasions when the only effectual way an honest man can serve his neighbors is to tell them, at whatever cost to himself, that they are altogether in error." (p. 145)

Now, Atlanta was faced with the imminent closing of its public schools by the Governor and the Georgia legislature. This regressive action was defeated by virtue of a massive campaign of mothers of school age children supplemented by two helpful factors which, unfortunately, we do not have here, at least in Birmingham. These were - (a) the active help (financial and otherwise) of leading citizens of Atlanta - bankers, lawyers, and business men and (b) a sympathetic city government. (Mayor Hartsfield even established "Keep The Schools Open Week").

Yet, we, Alabamians can achieve the same sensible result, if we put our hearts and minds to the task.

* * * * *

It has been a privilege to address this group. My purpose has been an objective review of the fold facts, including an informative analysis of the current legal phases of this great problem. I hope I have succeeded.

In due course a decree will be issued by an Alabama District Court, processed through the appellate courts, and returned to us as the law applicable to the school system involved.

It is fervently to be hoped that it will be a reasonable decree - not attempting to accomplish too much in too short a time - under which we can all live peacefully.

Reasonableness and moderation on the part of petitioners is indispensable.

Similarly good faith on the part of defendants is a necessity.

Forthright recognition by our State of the inevitability of some change in cultural patterns will facilitate the formulation of a workable solution. Those leaders who fail to glimpse the dawn of any new concept - but passively await the high noon of crisis are disqualified from contributing to the present and future welfare of Alabama.

[redacted] b 7C

6 April 62

(David Vann)

OUTLINE OF POSSIBLE
SUGGESTION FOR PARK
DESEGREGATION PLAN

1. All parks and recreational facilities shall be opened as of March 1, 1962.

2. All parks now reserved for white and all parks now reserved for colored shall retain such status until March 15, 1972, except as herein provided for.

3. Parks having no recreational facilities:

   a. The following shall become unrestricted as of March 15, 1963.

      (Name two new white -- two colored, plus all now substantially desegregated.)

   b. The following shall become unrestricted as of March 15, 1963.

      (Name three white, three colored.)

   c. The following shall become unrestricted as of March 15, 1964.

      (Name 4 white, 4 colored.)

   d. The remainder shall become unrestricted as of March 15, 1965.

4. Parks used for school playgrounds:

   The use of these shall be restricted to use by students enrolled in the schools.

5. Golf courses.

   a. Authorize Park Board to establish rules respecting the making of reservations.

   b. Remove restrictions on said numbered dates on March 15, 1962 at Highlands and Cooper Green and

at one additional golf course each six months thereafter.

c. Remove all restrictions at Highland and Cooper Green on March 15, 1964, and on one additional course each six months thereafter.

6. Playing fields for football and baseball.

a. Authorize Park Board to restrict any such field to organized teams on a reservation basis.

b. Remove racial restrictions on said numbered dates beginning March 15, 1963, at two parks each year, including one now reserved for colored and one now reserved for white.

c. Remove all racial restrictions beginning March 15, 1965, at two parks each year.

7. Tennis Courts.

a. Authorize Park Board to establish rules respecting the making of reservations.

b. Remove racial restrictions on said numbered days beginning March 1, 1963, at two parks each year, including one formerly reserved for white and one now reserved for colored.

c. Remove all racial restrictions at two parks each year, including one formerly reserved for white and one now reserved for colored.

8. Swimming pools.

a. Retain all present restrictions on race until March 15, 1966, at which time a plan for the gradual elimination of restrictions must be submitted or all must be opened desegregated or all must be closed.

9. Neighborhood playgrounds.

a. Board authorized to establish neighborhood park districts and to establish rules restricting use to residents of district and their accompanied guests.

10. Park Kindergartens.

a. Placed under provisions of placement law with Park Board substituted for School Board.

11. Community Centers.

a. Retain all present racial restrictions until March 15, 1963.

b. Authorize Board to establish rules and regulations respecting times for use on reservation basis only.

c. Beginning March 15, 1963, remove restrictions on the community center each year for years on said numbered days alternating between a center formerly restricted to all white and one restricted to all colored.

d. Beginning March 15, 1964, remove all racial restrictions on one center each year alternating between a center formerly restricted to all white and one now restricted to all colored.

12. With respect to any facility scheduled for the removal of racial restrictions, the selection of the facility to become unrestricted shall be filed in the court six months prior to the effective date of such removal of restrictions.

13. Advisory Board.

Six months prior to removal of the restrictions on any facilities Park Board shall upon request of any person using such facilities appoint an advisory board of persons living in the immediate area served by the facilities and of persons making regular use of the facilities if the Board determines that use is not confined to persons in the immediate vicinity. The Park Board or its representative shall be required to meet with and advise with such advisory committee in the formulation of rules and regulations. Any citizen who maintains a rule or regulation adopted by the Park Board respecting any facility is discriminatory or unfair shall have the right within nine days after the publication of such rule or regulations, upon 30 days notice to the court and to the Park Board have the right to file a petition in the court and secure a review by the court of such rule or regulation.

YALE UNIVERSITY · LAW SCHOOL

Mtgp

Peru, Vermont
July 12, 1963

Honorable Louis F. Oberdorfer
Assistant Attorney General
Department of Justice
Washington, D.C.

Dear Lou,

I enclose some correspondence for your information and amusement, and that of Nick and Burke.

I'm glad to hear that the Tweed-Sugal-Oberdorfer Committee is moving ahead. I have written to Magnuson, responding to his request, that I shall try to supply a letter on the Commerce Clause within two weeks. I hope in all the shuffle and drama we don't lose sight of the practical fact that appropriations this year for 150 men in Burke's division, to carry out the 1960 Voting Act, and for a like number in H.E.W. to work with local School Boards, Community Councils, Human Relations groups, etc., could do more to advance the process of peaceful social change than all the oratory of August. Am I wrong in this?

Yours, as always,

COPY

All the best,
Burke.
Sue

EVR/m

cc - Mr. Katzenbach
Mr. Marshall

Peru, Vermont
July 12, 1963

Sylvester C. Smith, Jr., Esq.
Prudential Plaza
Newark 1, New Jersey

Dear Mr. Smith,

I appreciated and enjoyed your spirited letter of June 27th, and I shall certainly call the mote in Brother Black's eye to his attention. I had not realized you took to the hustings so early about the constitutional amendments proposed by the Council of State Governments, or indeed that you took so effective a part in reasoning with Governor Wallace. Congratulations, and thanks. That's exactly how I want the President of the A.B.A. to behave, and I am very grateful that you did.

If I understand you correctly, I suspect we agree, or come very close to agreeing. I too think the A.B.A. should speak officially only rarely and on great occasions, after full compliance with its deliberative procedures. It is inevitably slow to act, and the Chairmen of its Committees are bound often to be tied up, as Wyman was. It should, however, speak, and speak effectively, as it did in 1937 on Court Packing, and as it did now on the constitutional amendments proposed by the Council of State Governments. There are two or three other problems on which I should support public action by the Association as such, as authorized and required by its own objectives.

It is for this very reason that I urged the formation of an Ad Hoc Committee in my letter of June 18th -- a Committee that could shout "Fire" more easily and more often than the A.B.A., and participate more actively in the current civil rights crisis than it was desirable or possible for the A.B.A. to do. Such a Committee has now been formed, under the Chairmanship of Messrs. Tweed and Segal, and I am most hopeful for its future.

Still, I agree with you that we shouldn't rely entirely on the Tweed-Segal Committee, or the occasional action of the Board of Governors or the House of Delegates of the A.B.A., acting on their own motion or on the Reports of Committees or Sections. I don't know enough to have an opinion of my own about the work of the Criminal Law or Administrative Law Sections. But what you say has the ring of (exasperated) truth, and I certainly don't dissent! I gather that the Committee on Scope and Correlation of Work has some ideas in mind by way of reorganization in this area. And I do remain of the view, despite the doubtless excessive number of A.B.A. Sections, that a Section on Civil Rights, or the Bill of Rights, would be a step forward, especially if it were manned by strong people, and actively led.

I know that our Antitrust Section speaks out from time to time on a variety of subjects, and sponsors programs of considerable (and increasing) intellectual value. Such a Section would have more continuity and capacity to act than the present overlapping Committees in the area. And it could initiate a variety of programs of the kind discussed in my lecture.

If, of course, you want to lead a resolution to shake up the Sections on Criminal Law and Administrative Law, you can count on my support, just on principle.

As for advocacy, I enclose a copy of a letter Edward Bennett Williams wrote me last fall, after a visit to the School. You will not be surprised that in the Law School of Clark, J. W. Moore, and Fleming James, the Federal Rules are sacred. My complaint is that the students are never allowed to find out about the forms of action at common law. Most of our procedure work is taught by men who have had a great deal of court experience as well as good academic background -- A. S. Goldstein, for example, was a successful Washington lawyer and litigator before he decided to become a law teacher, and I don't have to mention the qualifications of Moore and James, I know. Both in Moot Courts, and in subsequent efforts, I often hear good things of our young graduates as trial lawyers. Many go into District Attorneys offices for training and experience. I don't think Nicholas Katzenbach, Burke Marshall, Louis Oberdorfer, Norbert Schlei, or John Douglas, all Yale graduates, are doing badly, in court or out of it. Do you?

Of course I join you in hoping Congress will pass the bill now systematically to provide counsel for indigent defendants.

I look forward to seeing you at Chicago next month. Please let me know if I can help in any way to move things forward at the Convention, or otherwise.

Yours sincerely,

SVR/m

CC - Prof. Charles L. Black, Jr.
Arthur Freund, Esq.
Harrison Tweed, Esq.
Bernard Segal, Esq.
Lloyd N. Cutler, Esq.
Honorable Burke Marshall
Honorable Louis Oberdorfer
Honorable Nicholas deB. Katzenbach

mtp file

THE STATE BAR OF CALIFORNIA

Office of the President
WILLIAM P. GRAY
458 SOUTH SPRING STREET
LOS ANGELES 13, CALIFORNIA
MADISON 6-1252

July 15, 1963

Jerome J. Shestack, Esq.
Schnader, Harrison, Segal & Lewis
1719 Packard Building
Philadelphia 2, Pennsylvania

Re: White House Conference Concerning
Civil Rights Problem

Dear Jerry:

Supplementing my letters to Bernie Segal of June 28th and July 3rd, the three regional meetings of the Presidents of the bar associations of California were held as scheduled. There were about 13 in attendance at Sacramento on July 8th, and approximately 50 in San Francisco and the same number in Los Angeles on the two succeeding days.

I believe that the reactions to the meetings were quite hopeful. Those present expressed, among other things, their awareness that the problem is a serious one for the nation, and that it needs careful attention in each community. Most of the local Presidents agreed to make certain that there was responsible bi-racial conversation established among the leaders of their respective communities.

The press coverage of the meetings was reasonably sympathetic, as is illustrated by the enclosed clippings. I also participated in a television interview in San Francisco before the meeting there, and in a radio interview after the Los Angeles meeting, and made my "pitch" in both instances.

As reports of local activity are received, they will be summarized and forwarded to you in your clearing house capacity.

I enjoyed very much the opportunity to associate

with you and with Mr. Tweed during our recent discussions in Washington. I rather imagine that we will have some collaborating to do as a result of those meetings.

Faithfully yours,

WILLIAM P. GRAY

WPG:gw

cc: Honorable Harrison Tweed
Honorable Burke Marshall

Lawyers' Committee for Civil Rights Under Law

FORMED AT THE REQUEST OF THE PRESIDENT OF THE UNITED STATES

Co-Chairmen

HARRISON TWEED
1 Chase Manhattan Plaza
New York 5, N.Y.

BERNARD G. SEGAL
Packard Building
Philadelphia 2, Pa.

July 1, 1963

To the Lawyers invited by President Kennedy
to the White House Conference on Friday, June 21st:

As the Joint Chairmen designated by the President at the White House Conference, we are writing to all of those invited to that meeting.

At the Conference the President, the Vice President, and the Attorney General emphasized the significant role that lawyers can play in assuring equal rights to all citizens. Lawyers have a special responsibility and are particularly qualified to take the lead in this critical situation, for any solution must be reached under the law of the land including specific decisions of the courts. The profession recognizes its obligation, and welcomes the opportunity to serve in this national emergency.

It is important that there be a liaison between the Government and the legal profession as problems develop in the months ahead. It is essential, too, that there be some central agency to which the lawyers of the Country can report situations as they arise and make suggestions, so that where possible, action can be secured. Our Committee plans to serve in these capacities. In conducting our activities, we shall, of course, cooperate with the American Bar Association and state and local bar associations. Wherever they undertake to handle a particular situation, the Committee will leave the matter to them.

It is, of course, apparent that ordinarily the primary and effective work must be done at the local level by attorneys of the particular community in which tensions arise. However, local lawyers sometimes find it helpful to be able to call upon lawyers outside the community. One of the purposes of our Committee will be to help in such situations.

The Committee will also assist in the obtaining of counsel by any individual or group otherwise unable to do so. In such instances, wherever possible, the Committee will work through the agencies presently constituted for such purposes.

Each of you has received a letter from Attorney General Kennedy in which he summarizes the eight objectives presented by the President at the White House Conference.

Both the President and the Attorney General placed at the head of the list the initiation, organization and participation in local bi-racial committees. These committees have already proved their usefulness in preventing violence, restoring order, and clarifying the rights of individuals. In some cases, such committees consist of lawyers only; in others, they include men and women from a cross-section of professions, vocations, and businesses. The lawyer is especially fitted for the task of bringing conflicting parties together for face to face discussions and helping them to resolve their differences in an atmosphere of understanding and cooperation. Our Committee could perform no more useful function than to take the leadership in appropriate situations, in forming such committees where they do not exist and in giving them support where they are already constituted.

We recognize that the procedure of organizing a bi-racial committee is not always the only or perhaps the best approach. Quite often lawyers can accomplish the particular objective by mediation between groups or individuals who are in conflict with each other. Our Committee will use whichever approach is indicated by the circumstances.

Another and important area of activity by our Committee is to take the lead in securing full public understanding of the judicial and legal processes involved in these controversies. An example of just such a situation prompted the recent statement by forty-six lawyers when obedience to a decree of a Federal Judge was in question. Your Committee will endeavor to alert lawyers wherever such a situation calls for action.

There are, of course, numerous other important areas for activity by our Committee, and we shall welcome any suggestions you may have for ways in which the Committee can be useful. Our purpose is to marshal action by the lawyers of the nation wherever this can be helpful in resolving disputes

and relieving tensions. We should appreciate it if each of you would send to us a brief report of the current situation in your community and would thereafter keep us advised of any progress which is made, including special mention when lawyers have participated or assumed leadership roles.

We thank those of you who have written to us indicating your willingness to become members of the Committee, and we urge the rest of you to let us hear from you promptly.

You will notice at the masthead, the name which has been selected for our Committee. We will assume approval in the absence of a majority preference for some other name.

We are now in the process of selecting an Executive Committee, which will have as much geographical diversity among its members as is consistent with the need for frequent meetings.

Substantial expenses will certainly be incurred if the Committee is to serve its purpose. Accordingly, we are asking contributions from the larger law firms in the major cities of the country.

With your aid, we look forward to activities and achievements which will be of servite to the Nation in resolving some of the difficult problems which face us. In this way, we hope to demonstrate the willingness and the ability of the legal profession effectively to serve the public interest.

Sincerely yours,

Harrison Tweed

Harrison Tweed

Bernard G. Segal

Bernard G. Segal

P.S. We should be grateful if you send to us both copies of all letters you may send.

Mine.

June 18, 1963

Sylvester C. Smith, Jr., Esq.
President
American Bar Association
Prudential Plaza
Newark 1, N.J.

Dear Mr. Smith,

The impetus of the President's invitation to a Conference on Civil Rights on June 21 stirs me to think of what we might be doing and should be doing as lawyers to help resolve present conflicts over the position of Negroes in ways which fulfill the command of the Constitution.

There is need, I think, for a continuing body of lawyers to help lead opinion by speaking out on the succession of issues bound to arise in the course of so fundamental a struggle. The occasional statements of the Board of Governors and of the President should be reserved for fundamental issues, and kept to a minimum, in order to avoid diluting their effect. The Board's recent effective and important criticism of the constitutional amendments proposed by the Council of State Governments is an excellent example of what the Bar Association can and should do from time to time in helping to form public opinion.

I have long felt that our Standing Committee on the Bill of Rights should become a Section of the Bar Association, better able than the Committee to organize educational programs, and to sponsor activities intended to educate the bar and the public. I suggest that we take this particular step forward in August as one emergency response to the present crisis, and that Arthur Freund of St. Louis, distinguished and tireless battler in this and other good causes, be considered as its first Chairman. As you may know, Mr. Freund was the first person to sound the alarm about the constitutional amendments proposed by the Council on State Governments.

Secondly, and still in the realm of public opinion, I suggest that the group of men who signed the Statement of June 10th become the nucleus of a larger Committee -- a Committee to Defend the Union, or a Committee of Forty-Six, or a Committee identified by a better title. Such a Committee, whose Honorary Chairmen could well be men like Judge St.John Garwood, John Lord O'Brian, and Harrison Tweed, would stand ready to speak and act on a variety of problems that are bound to emerge as we proceed through the long process of painful adjustment on this front. It could help mobilize opinion. It could defend or criticize the government with far more freedom and speed than the Board of Governors or an A.B.A. Section. It could prod the nation's conscience, and stir our will to act, on a variety of problems on which thought and action will be needed in the years ahead.

Sylvester C. Smith, Esq. June 18, 1963

Third, I should like to suggest for consideration the list of proposals I made in the fall of 1961, in a lecture printed in the American Bar Association Journal during 1962. I enclose an offprint of the Lecture, entitled "The Lawyer and His Client", for ready reference. The suggestions for action by the national and state bar associations appear on the last three (unnumbered) pages of the offprint. They concern the availability of counsel.

With every good wish,

Yours sincerely,

EVR/m

CC - Hon. Burke Marshall
Hon. Nicholas deB. Katzenbach
Arthur Freund, Esq.
Hon. Louis Oberdorfer
Dean Erwin N. Griswold
Bernard G. Segal, Esq.

Birmingham
file

MILES COLLEGE
BIRMINGHAM 8, ALABAMA

OFFICE OF THE PRESIDENT

October 11, 1962

Attorney General Robert Kennedy
United States Department of Justice
Washington 25, D. C.

My dear Mr. Kennedy:

We can never forget your kind reception of the ten men from Birmingham. The fact that you took time to see us during the very tense moments in Mississippi makes us very grateful for the audience which you gave us.

I need only to tell you that your meeting with the gentlemen from Birmingham and the subsequent news release (even though it had no details) by the Birmingham News have had a great salutary effect on many people of our community. The time which you and Mr. Marshall gave makes us indebted to you and if we can serve you at any time, please feel free to call on us.

Yours truly,

L. H. Pitts

LHP:elh

cc: Mr. Burke Marshall

Given to Gov. Wallace

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DAVID J. VANN
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CHARLES F. ZUKOSKI, JR.
COUNSEL

December 11, 1963

Honorable Louis Oberdorfer
Assistant Attorney General
Department of Justice
Washington, D. C.

COPY

Dear Louis:

Enclosed are a couple of news clippings which we discussed when I was last in Washington. You mentioned, I believe, that you had not seen them.

Things are rather quiet here at the moment. We were all shocked to hear of the President's death, and I think the news left all of us a little numbed. So far as I am aware, no steps have been taken by the present city administration to hire Negro policemen. This may, in part, be due to the fact that there has been a dearth of qualified Negro applicants for the job of patrolman on the Birmingham Police Force. I have tried to encourage some recruiting efforts among the Negro community, but it appears to be difficult to get people to apply. Some feel that they may be risking their present jobs if they do so. Others are already employed at higher salaries than are being offered for the job of patrolman. There has, however, been some quiet progress. The signs in the City Hall have been taken down, the Birmingham Music Club Concerts have been opened to all, and the Jewish Community Center Movie Series has been opened to all. A few Negroes have attended some concerts, and things have gone quietly and well. In some respects, I feel that the quiet has been helpful, because it has permitted a lessening of tensions that were raised to such a high degree during May and during this past September. I hope that this period may prove to be a time of consolidation of steps that have been taken, rather than a retreat. Mayor Boutwell made a reasonably good speech last Tuesday, which I hope heralds more constructive steps by the city administration, not only in the field of race relations but also in such fields as unemployment and better educational opportunities for youngsters and unemployed adults. Some progress in the latter fields would go a long way toward pulling back together the different

Honorable Louis Oberdorfer
December 11th, 1963

factions of our community, which has been so divided by the recent city elections and by the crises of last May and September.

I hope that you will be able to get down to Birmingham again soon. If you do so, please stop by to see us.

With best regards, I am,

Very sincerely yours,

Vernon Patrick

/mm
Encls.
cc: Honorable Burke Marshall ✓